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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yuman Fong et al. Confirmation No.: 5371
Serial No.: 10/505,375 Art Unit: 1632
Filed: May 10, 2005 Examiner: Joanne Hama
Customer No.: 21559
Title: Prevention of Recurrence and Metastasis of Cancer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

I declare:

I am an inventor of the subject matter that is described and claimed in the above-captioned patent application. I hold the position of Vice Chair, Technology Development, Department of Surgery, at the Memorial Sloan-Kettering Cancer Center (MSKCC). I also hold the Murray F. Brennan Chair in Surgery at MSKCC.

I am the senior author of a reference cited in connection with the application, Kooby et al., FASEB J. 13:1325-1334, 1999. The method described in the Kooby paper is different from that claimed in the application, as described below. Further, in reading the Kooby paper, one skilled in the field would not have been led to consider use of the method described in the application.

In the Kooby paper, rats were challenged with hepatoma cells administered by injection